

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

KAIFI LLC,

Plaintiff,

v.

T-MOBILE US, INC., and T-MOBILE
USA, INC.,

Defendants.

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CIVIL ACTION NO. 2:20-CV-00281-JRG

**MINUTES FOR INITIAL PRETRIAL CONFERENCE DAY 2
HELD BEFORE U.S. DISTRICT JUDGE RODNEY GILSTRAP
November 16, 2021**

OPEN: 09:08 AM

ADJOURN: 04:40 PM

ATTORNEYS FOR PLAINTIFF:

See attached

ATTORNEYS FOR DEFENDANTS:

See attached

LAW CLERKS:

Tom Derbish
Cason Cole
Cody Carter

COURT REPORTER:

Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY:

Andrea Brunson, CP

TIME	MINUTES
09:08 AM	Court opened.
09:10 AM	Mr. Bunt provided the Court a status report re: survey expert witness Dr. Marias testifying live at the trial of this case. Court instructed Mr. Bunt to keep the Court and opposing counsel updated re: this matter.
09:12 AM	Court continued hearing argument re: disputed dispositive motions: [SEALED] Defendants' Motion for Partial Summary Judgment of No Direct Infringement by T-Mobile of the Asserted System Claims of U.S. Patent No. 6,922,728 (Dkt. No. 232).
09:12 AM	Mr. Jaysen Chung presented argument for the Defendants.
09:26 AM	Responsive argument by Mr. Jason Sheasby for the Plaintiff.
09:46 AM	Additional argument by Mr. Jaysen Chung on behalf of the Defendants.
09:50 AM	Additional responsive argument by Mr. Jason Sheasby for the Plaintiff.
09:57 AM	Additional argument by Mr. Jaysen Chung on behalf of the Defendants.

09:58 AM	Court directed each side to provide the Court with a supplemental letter brief within the next 48 hours and not more than five pages in length. Court CARRIED Dkt. No. 232.
09:59 AM	Court heard argument re: [SEALED] Defendants' Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 6,922,728 (Dkt. 233).
10:00 AM	Mr. Brian Rosenthal presented argument for the Defendants.
10:44 AM	Recess.
10:59 AM	Court reconvened.
10:59 AM	Responsive argument by Mr. Jason Sheasby for the Plaintiff.
11:24 AM	Additional argument by Mr. Brian Rosenthal on behalf of the Defendants.
11:33 AM	Court DENIED Dkt. 233 and provided explanation as set forth in the record.
11:34 AM	Court heard argument re: [SEALED] Defendants' Motion for Summary Judgment of No Pre-Suit Willful Infringement, Indirect Infringement, or Copying (Dkt. No. 234).
11:35 AM	Mr. Robert Vincent presented argument for the Defendants.
11:52 AM	Responsive argument by Mr. Jason Sheasby for the Plaintiff.
11:59 AM	Court GRANTED Dkt. No. 234.
12:01 PM	Court heard argument re: Defendants' <i>Daubert</i> Motion and Motion to Exclude Certain Opinions of Dr. Thomas Conte (Dkt. No. 236).
12:01 PM	Mr. Brian Rosenthal presented argument for the Defendants.
12:21 PM	Responsive argument by Mr. Jason Sheasby for the Plaintiff.
12:53 PM	Additional argument by Mr. Brian Rosenthal on behalf of the Defendants.
01:03 PM	Conclusion of argument re: dispositive motions.
01:03 PM	Court to CARRY Dkt. No. 236 until after lunch recess.
01:04 PM	Recess for lunch during which counsel to continue their meet and confer efforts re: MILs.
02:58 PM	Court reconvened.
02:59 PM	Court made rulings as set forth in the record re: previously carried Dkt. No. 236.
03:06 PM	<p>As a result of the meet and confer efforts, the following were resolved and read into the record by Mr. Jason Sheasby for the Plaintiff and Mr. Brian Rosenthal for the Defendants:</p> <p>Plaintiff's MIL 1: Court approved agreement by the parties Plaintiff's MIL 2: Withdrawn Plaintiff's MIL 3: Withdrawn Defendants' MIL 4: Withdrawn Plaintiff's MIL 17: Withdrawn Defendants' MIL 1: Withdrawn Plaintiff's MIL 9: Court approved agreement by the parties Plaintiff's MIL 16: Court approved agreement by the parties Defendants' MIL 3: Withdrawn Plaintiff's MIL 12: Withdrawn Defendants' MIL 5: Court approved agreement by the parties Plaintiff's MIL 8: Withdrawn Plaintiff's MIL 4 GRANTED by the Court</p>

03:16 PM	Mr. Jason Sheasby and Mr. Brian Rosenthal informed the Court of the possibility of a witness not appearing live for trial.
03:23 PM	Court proceeded to hear argument re: MILs.
03:23 PM	Plaintiff's MIL 5: Argument presented.
03:26 PM	Court's ruling: Plaintiff's MIL 5: GRANTED
03:26 PM	Plaintiff's MIL 6: Argument presented.
03:33 PM	Court made rulings re: Plaintiff's MIL 6 with explanation and guidance as set forth in the record.
03:33 PM	Plaintiff's MIL 7: Argument presented.
03:41 PM	Court's ruling: Plaintiff's MIL 7: GRANTED with explanation and instruction as set forth in the record.
03:44 PM	Plaintiff's MIL 10: Argument presented.
03:49 PM	Court's ruling: Plaintiff's MIL 10: DENIED with explanation and instruction as set forth in the record.
03:49 PM	Plaintiff's MIL 11: Argument presented.
03:50 PM	Court's ruling: Plaintiff's MIL 11: DENIED with explanation and instruction as set forth in the record.
03:51 PM	Plaintiff's MIL 13: Argument presented.
03:56 PM	Court's ruling: Plaintiff's MIL 13: GRANTED-IN-PART and DENIED-IN-PART with explanation and instruction as set forth in the record.
03:58 PM	Plaintiff's MIL 14: Argument presented.
04:04 PM	Court CARRIED Plaintiff's MIL 14.
04:04 PM	Plaintiff's MIL 15: Argument presented.
04:11 PM	Court's ruling: Plaintiff's MIL 15: DENIED.
04:11 PM	Defendants' MIL 2: Argument presented.
04:15 PM	Court's ruling: Defendants' MIL 2: GRANTED-IN-PART and DENIED-IN-PART with explanation and instruction as set forth in the record.
04:15 PM	Defendants' MIL 6: Argument presented.
04:18 PM	Court's ruling: Defendants' MIL 6: GRANTED-IN-PART and DENIED-IN-PART with instruction given as set forth in the record.
04:19 PM	Defendants' MIL 7: Argument presented.
04:21 PM	Court's ruling: Defendants' MIL 7: GRANTED-IN-PART and DENIED-IN-PART with instruction given as set forth in the record.
04:23 PM	Defendants' MIL 8: Argument presented.
04:27 PM	Court's ruling: Defendants' MIL 8: DENIED
04:27 PM	Defendants' MIL 9: Argument presented.

04:31 PM	Court's ruling: Defendants' MIL 9: DENIED with additional explanation as set forth in the record.
04:32 PM	Defendants' MIL 10: Argument presented.
04:35 PM	Court's ruling: Defendants' MIL 10: GRANTED with additional explanation as set forth in the record.
04:36 PM	Conclusion of argument re: MILs.
04:36 PM	Court scheduled a third day of pretrial on November 22, 2021 and will take up disputed exhibit issues at that time. Court directed the parties to submit a joint report by 5:00 PM on Friday, November 19 re: status of exhibit disputes as a result of their meet and confer efforts.
04:40 PM	Court adjourned until 9:00 AM November 22, 2021.